Bill No. Z-81- 01-12 (as amended)

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-2 & F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

~~SECTION 1. That the "B-2" Shopping Center Symbol now located at the intersection of State Road #14 and U.S. Highway #24, shown on the City of Fort Wayne, Indiana Zoning Map No. G-2, under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana of 1974 of said Chapter is hereby deleted.~~

Deleted at Special Session of Common Council held on 1-14-81

Changed 1/14/81 Special Session

SECTION 1. That the area described as follows is hereby designated a "B-2-D", Regional Shopping Center (Apple Glen):

Parcel No. 1, containing 77.98 acres, described as follows:

Parts of Lots 14, 15, 16, and 17 in EDSALL'S SUBDIVISION of LaGro Section; ALSO, a Part of LaGro Section lying South of the lots aforesaid, East of Lots 19, 22, and 23 in said EDSALL SUBDIVISION, and Northwesterly of U. S. Highway No. 24 right-of-way line; ALL in Township 30 North, Range 12 East, Allen County, Indiana, in particular described as follows to-wit:

Commence at the Southeast corner of Lot 13 in said EDSALL'S' SUBDIVISION as established by an iron pin and post; thence North 0 degrees 24 minutes West along the lot line common to Lot 13 and 14 in said EDSALL'S SUBDIVISION as defined by a line fence, a distance of 821.4 feet to an iron pin found on the Southerly right-of-way line of State No. 14 as established by Project 387 (5) 1963, and situated 75 feet radially distant Southwestward of said road centerline; thence running Southeasterly along said right-of-way line introrsely concentric to the 2 degree 00 minute centerline curve to the right, an arc distance of 743.3 feet, more or less, to a highway hub found at Plan Station 390+00, of which the subtended chord to the aforesaid course bears South 76 degrees 31 minutes East, a distance of 741.8 feet; thence continuing along said right-of-way line South 64 degrees 00 minutes East, a distance of 68.4 feet to an iron pin found at Plan Station 390+70 and situated 80 feet radially distant Southwestward of said Highway centerline; thence continuing Southeasterly along said right-of-way introrsely concentric to the 2 degree 00 minute centerline curve to the right, an arc distance of 515.2 feet, more or less, to an iron pin found at Plan Station 396+00, of which the subtended chord to the aforesaid course bears South 62 degrees 13 minutes East, a distance of 514.6 feet; thence continuing along said right-of-way line South 49 degrees 47 minutes East, a distance

of 158.8 feet to an iron pin found at Plan Station 397+63.0 (P.T.) as situated 95 feet normally distant Southwestward of said Highway centerline; thence continuing along said right-of-way line tangent South 53 degrees 39 minutes East (State Highway bearing) a distance of 387.0 feet to Plan Station 401+50 and situated 95 feet normally distant Southwestward of said Highway centerline; thence continuing along said right-of-way line South 3 degrees 19 minutes East, a distance of 46.0 feet to a point situated 95 feet normally distant Northwestward of centerline of U. S. Highway No. 24 at Plan Station 1151+40; thence continuing along the U. S. Highway No. 24 right-of-way line as established by the aforesaid State Road No. 14 PROJECT 387, South 47 degrees 10 minutes West, a distance of 441.3 feet to Plan Station 1147+00 as situated 65 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 51 degrees 21 minutes West, a distance of 250.0 feet to Plan Station 1144+50 as situated 65 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 48 degrees 30 minutes West, a distance of 100.3 feet to Plan Station 1143+50 as situated 60 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 29 degrees 37 minutes West, a distance of 53.9 feet to Plan Station 1143+00 as situated 40 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 51 degrees 21 minutes West and parallel to said Highway centerline, a distance of 306.4 feet to a point of curve at Plan Station 1139+93.6; thence continuing Southwesterly along said right-of-way line extrorsely concentric to the 0 degrees 03 minute centerline curve to the left, an arc distance of 1233.7 feet to a point of tangent at Plan Station 1127+60.3; thence continuing South 50 degrees 48 minutes West along said right-of-way line tangent, a distance of 72.0 feet to an iron pin found defining the East corner of a 10.19 acre tract conveyed by Instrument recorded in Deed Record 716, page 587, as situated 972 feet (940.0 feet, deed) North 50 degrees 48 minutes East of the intersection of said right-of-way line by the East line of Lot 27 in EDSALL'S SUBDIVISION of LaGro Reserve; thence North 39 degrees 12 minutes West, a distance of 480.0 feet to an iron pin found; thence South 87 degrees 30 minutes West, a distance of 456.8 feet (459.93 feet, deed) to a point on the East line of Lot 23 EDSALL'S SUBDIVISION as established; witnessed by an iron pin found 1.4 feet West thereof; thence North 0 degrees 11 minutes West, a distance of 318.7 feet to an iron pin found at the Northeast corner of Lot 23 as established in EDSALL'S SUBDIVISION; thence North 0 degrees 38 minutes West, a distance of 438.0 feet to an iron pin found at the Northeast corner of Lot 22 as established in EDSALL'S SUBDIVISION; thence North 0 degrees 51 minutes East, a distance of 462.0 feet to an iron pipe found at the Northeast corner of Lot 19 as established in said EDSALL'S SUBDIVISION; thence North 89 degrees 29 minutes East along the South

line of Lot 11 and the South line of Lot 12 in said EDSALL'S SUBDIVISION, a distance of 490.0 feet to an iron pin defining the Southwest corner of Lot 13 in said EDSALL'S SUBDIVISION; thence North 89 degrees 21 minutes East along the South line of said Lot 13, a distance of 479.2 feet to the point of beginning; containing 77.98 acres, more or less, of land. (Note) All bearings were computed from State Highway bearings on State Road No. 14 and U. S. No. 24 PROJECT 387 (5) 1963.

Parcel No. 2, containing 9.63 acres, described as follows:

Part of Lot #11, together with part of Lot #19 in Samuel Edsall's Sub., in the LaGro Reserve, Section 8, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the west line of Lot #11 in Samuel Edsall's Subdivision in the LaGro Reserve, Section 8, Allen County, Indiana, said point being 714.86 feet south of the northwest corner of Lot #11; thence south along the west line of Lot #11 a distance of 198.84 feet to the southwest corner of Lot #11; thence west along the north line of Lot #19 a distance of 16 feet; thence south a distance of 462 feet to a point on the south line of Lot #19, said point being 487.5 feet west of the southeast corner of Lot #19; thence east along the south line of Lot #19 a distance of 487.5 feet to the southeast corner of Lot #19; thence north along the east line of Lot #19 a distance of 462.4 feet to the northeast corner of Lot #19; thence east along the south line of Lot #11 a distance of 9.73 feet to the southeast corner of Lot #11; thence north along the east line of Lot #11 a distance of 499.84 feet; thence west and parallel to the north line of Lot #11 a distance of 328.5 feet; thence south and parallel to the west line of Lot #11 a distance of 300 feet; thence west and parallel to the north line of Lot #11 a distance of 150 feet to the point of beginning containing 9.63 acres.

Parcel No. 3, described as follows:

Lot 13 EDSALL'S SUBDIVISION of LaGro Reserve in Township 30 North, Range 13 East, Allen County, Indiana, containing 10 acres more or less, excepting that part conveyed for highway purposes.

Parcel No. 4, described as follows:

Lot 12, except the West 120 feet of the North 366 feet thereof, EDSALL'S SUBDIVISION of LaGro Reserve in Township 30 North, Range 13 East, Allen County, Indiana, containing 9 acres more or less, excepting that part conveyed for highway purposes.

Containing in all 106.61 acres more or less.

Changed to Sec 2. approved at Meeting of Council 9/24/81

SECTION ~~3.~~ 2. That this Ordinance shall be in full force and effect from and after its passage approval by the Mayor and legal publication thereof.

Mark E. Gia Quinta
COUNCILMEMBER

APPROVED AS TO FORM AND
LEGALITY JANUARY 9 , 1981.

J. E. Hoffman
JOHN E. HOFFMAN, City Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock ___M.,E.S.T.

DATE: _____

_____
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

on the Tabel

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	5	4			
BURNS		✓			
EISBART	✓				
GiaQUINTA	✓				
NUCKOLS		✓			
SCHMIDT, D.		✓			
SCHMIDT, V.	✓				
SCHOMBURG		✓			
STIER	✓				
TALARICO	✓				

DATE: 3-10-81

_____
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19_____.

ATTEST: (SEAL)

_____ _____
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____ M.,E.S.T.

_____
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19_____, at the hour of _____ o'clock ____M.,E.S.T.

_____
WINFIELD C. MOSES, JR.
MAYOR

Read the first time in full and on motion by Gia Quinta, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATE: 1-14-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by V. Schmidt, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	4 ~~3~~	5 ~~6~~			
BURNS	X ~~X~~	~~X~~			
EISBART		X			
GiaQUINTA		X			
NUCKOLS	X				
SCHMIDT, D.	X				
SCHMIDT, V.		X			
SCHOMBURG	X				
STIER		X			
TALARICO		X			

DATE: 2-12-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M.,E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19____, at the hour of _____ o'clock ____ M.,E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

Z-81-01-12
as. Amended.

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ___ M., E.S.T.

DATE: _____

_____
CHARLES W. WESTERMAN
CITY CLERK

a motion was made by D. Schmidt to place

Read the third time in full and on motion by _____, ~~seconded by~~ Bill 20 Z-81-01-12 (as amended) and ~~duly adopted~~, ~~placed on its~~ ~~passage~~. PASSED (LOST) by the following vote: up for Regular Session June 9, 1981.

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	4	4		1	
BURNS	X				
EISBART		X			
GiaQUINTA		X			
NUCKOLS	X				
SCHMIDT, D.	X				
SCHMIDT, V.				X	
SCHOMBURG	X				
STIER		X			
TALARICO		X			

DATE: 6-9-81

Paula W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

_____ _____
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

_____
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19____, at the hour of _____ o'clock ____ M., E.S.T.

_____
WINFIELD C. MOSES, JR.
MAYOR

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock ___M.,E.S.T.

DATE: _____

_____
CHARLES W. WESTERMAN
CITY CLERK

motion was made to introduce Bill No. 3-8-01-12.

~~Read the third time in full and on motion by~~ _____, seconded by _____, and duly ~~adopted, placed~~ on its passage. ~~PASSED~~ (LOST) by the following vote:

Motion failed.

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	3	5		1	
BURNS	✓				
EISBART		✗			
GiaQUINTA		✓			
NUCKOLS		✗		✓	
SCHMIDT, D.	✓				
SCHMIDT, V.		✓			
SCHOMBURG	✓				
STIER		✓			
TALARICO		✓			

DATE: _____

_____
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19_____.

ATTEST: (SEAL)

_____ _____
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____ M.,E.S.T.

_____
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19_____, at the hour of _____ o'clock ____M.,E.S.T.

_____
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. Z-81-01-12 (AS AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-2 & F-2

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE NO REC. PASS.

MARK E. GiaQUINTA, CHAIRMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

DONALD J. SCHMIDT

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 17, 1981, referred to the City Plan Commission for reconsideration a proposed ordinance designated as Bill No. Z-81-01-12 (AS AMENDED), which bill had previously been recommended by the Plan Commission on January 26, 1981, the Common Council having voted 5 to 4 not to approve this ordinance; and

WHEREAS, the City Plan Commission considered the Council's designated reasons for rejecting the proposed ordinance at the regularly scheduled meeting of February 23, 1981.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby again recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commsision held February 23, 1981.

Certified and signed this
27 day of February, 1981.

Z-81-01-12
(as amended)

Dennis J. Grotrian Jr.
Dennis J. Grotrian
Secretary

Voting on tabling Z-81-01-12

yeas	nays
~~5~~	~~4~~

on the table.

On the table
3/10/81

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 January 1981

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held January 26, 1981. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-81-01-12 (AS AMENDED)

2. Rezoning request for a B-2-D, Regional Shopping Center District

3. Intended Use: Apple Glen Shopping Center

4. Plan Commission Recommendation: DO PASS

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMMNITY DEVELOPMENT & PLANNING

Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

February 17, 1981

City Plan Commission of the
City of Fort Wayne, Indiana
7th Floor, City-County Building
Fort Wayne, Indiana 46802

Re: Bill No. Z-81-01-12 as amended

Gentlemen:

Please be advised that the Common Council of the City of Fort Wayne, Indiana, at a Special Session held on February 12-13, 1981, did reject Bill No. Z-81-01-12 as amended. If passed, this amended bill would have rezoned the 106.6 acres of land there described into a shopping center classification. The vote on this amended bill was five (5) nays and four (4) yeas.

Accordingly, in accordance with IC 18-7-4-510 returned herewith is said bill as amended for your further consideration. The following consists of a written statement setting forth a summation of reasons given by those voting for rejection of said proposed bill, Z-81-01-12 as amended.

√ 1. No need appears for the passage of said amended bill. Community associations are opposed to its passage.

2. The market place should not make the decisions for the city.

3. The new shopping center would merely be a rearrangement of jobs and would hurt downtown Fort Wayne redevelopment.

4. Traffic,noise and pollution factors militate against the shopping center.

5. Neighborhood organizations must be kept strong. There should be an avoidance of traffic hazard. It would cost a large amount of money to build roads to implement a shopping center.

© E.W.B.C. 1974

It is respectfully requested that action be taken by your commission as required under the provisions of IC 18-7-4-510.

Respectfully submitted,

John Nuckols

Common Council of the City
of Fort Wayne, Indiana
BY: John Nuckols, its President

Charles W. Westerman

ATTEST: Charles W. Westerman, Clerk
Common Council of the City
of Fort Wayne, Indiana

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 14, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-01-12 (AS AMENDED); and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 19, 1981;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

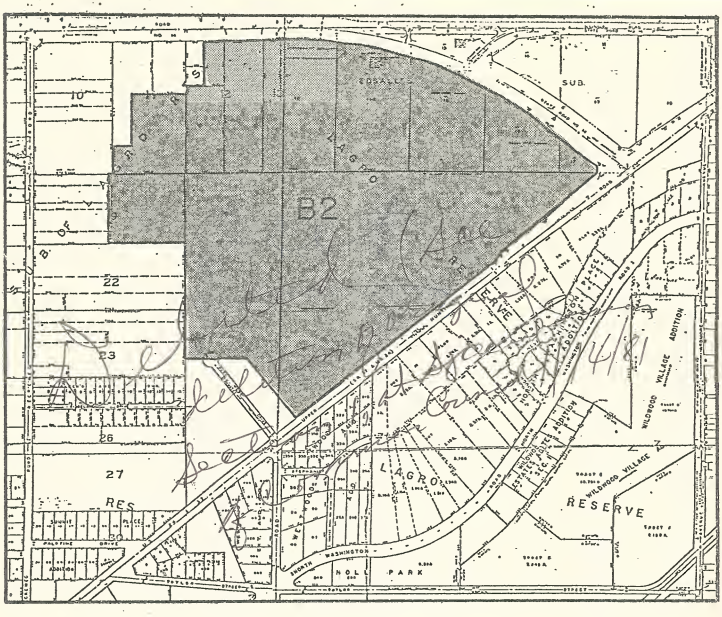
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 26, 1981.

Certified and signed this
27th day of January 1981.

Dennis J. Grotrian

Dennis J. Grotrian
Secretary



ZONING RECLASSIFICATION FROM B2 TO B2D DISTRICT.

MAP NO. F-2,3 G-2,3

BY G.R. LAX 12-30-80

REGARDING BILL NO. Z-81-01-12

Motion was made to introduce Bill No. Z-81-01-12 as presented to Common Council. The full Council then voted to amend Bill No. Z-81-01-12, be deleting Section 1 and correctly number the sections in the bill. Bill No. Z-81-01-12 (as amended) was then voted upon by Council to be placed in the Regulations Committee and referred to the City Plan Commission for recommendation by voice vote.

Date: 1-14-81

Charles W. Westerman
City Clerk

DELETE:

SECTION 1. That the "B=2" Shopping Center Symbol now located at the intersection of State Road #14 and U.S. Highway #24, shown on the City of Fort Wayne, Indiana Zoning Map No. G-2, under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana of 1974 of said Chapter is hereby deleted.

Section 2 made Section 1

Section 3 made Section 2.

REGARDING BILL NO. Z-81-01-12

The above bill was voted upon by Common Council at their regular session of January 13, 1981, regarding introduction of Bill No. Z-81-01-12.

A motion was made to introduce Bill No. Z-81-01-12.

Motion failed.

Ayes	Nays	Absent
3	5	1

A motion was then made to have a special session on Wednesday, January 14, 1981, to introduce Bill No. Z-81-01-12.

Date: 1-13-81

Charles W. Westerman
City Clerk

PETITION FOR ZONING ORDINANCE AMENDMENT

The Fort Wayne City Plan Commission does hereby petition the Fort Wayne Common Council to amend the Zoning Map of Fort Wayne, Indiana, by zoning APPLE GLEN a "B-2-D', Regional Shopping Center. Apple Glen is presently designated a shopping center by authority of a "B-2" Shopping Center Symbol, which symbol is located at the intersection of State Road 14 and U.S. Highway 24. The Commission further petitions the Fort Wayne Common Council to delete the "B-2" Shopping Center Symbol located at the intersection of State Road 14 and U.S. Highway 24 from the City of Fort Wayne, Indiana zoning map. Apple Glen is more particularly described as follows:

Parcel No. 1, containing 77.98 acres, described as follows:

Parts of Lots 14, 15, 16, and 17 in EDSALL'S SUBDIVISION of LaGro Section; ALSO, a Part of LaGro Section lying South of the lots aforesaid, East of Lots 19, 22, and 23 in said EDSALL SUBDIVISION, and Northwesterly of U. S. Highway No. 24 right-of-way line; ALL in Township 30 North, Range 12 East, Allen County, Indiana, in particular described as follows to-wit:

Commence at the Southeast corner of Lot 13 in said EDSALL'S' SUBDIVISION as established by an iron pin and post; thence North 0 degrees 24 minutes West along the lot line common to Lot 13 and 14 in said EDSALL'S SUBDIVISION as defined by a line fence, a distance of 821.4 feet to an iron pin found on the Southerly right-of-way line of State No. 14 as established by Project 387 (5) 1963, and situated 75 feet radially distant Southwestward of said road centerline; thence running Southeasterly along said right-of-way line introrsely concentric to the 2 degree 00 minute centerline curve to the right, an arc distance of 743.3 feet, more or less, to a highway hub found at Plan Station 390+00, of which the subtended chord to the aforesaid course bears South 76 degrees 31 minutes East, a distance of 741.8 feet; thence continuing along said right-of-way line South 64 degrees 00 minutes East, a distance of 68.4 feet to an iron pin found at Plan Station 390+70 and situated 80 feet radially distant Southwestward of said Highway centerline; thence continuing Southeasterly along said right-of-way introrsely concentric to the 2 degree 00 minute centerline curve to the right, an arc distance of 515.2 feet, more or less, to an iron pin found at Plan Station 396+00, of which the subtended chord to the aforesaid course bears South 62 degrees 13 minutes East, a distance of 514.6 feet; thence continuing along said right-of-way line South 49 degrees 47 minutes East, a distance of 158.8 feet to an iron pin found at Plan Station 397+63.0 (P.T.) as situated 95 feet normally distant Southwestward of said Highway centerline; thence continuing along said right-of-way line tangent South 53 degrees 39 minutes East (State Highway bearing) a distance of 387.0 feet to Plan Station 401+50 and situated 95 feet normally distant Southwestward of said Highway centerline; thence continuing along said right-of-way line

South 3 degrees 19 minutes East, a distance of 46.0 feet to a point situated 95 feet normally distant Northwestward of centerline of U. S. Highway No. 24 at Plan Station 1151+40; thence continuing along the U. S. Highway No. 24 right-of-way line as established by the aforesaid State Road No. 14 PROJECT 387, South 47 degrees 10 minutes West, a distance of 441.3 feet to Plan Station 1147+00 as situated 65 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 51 degrees 21 minutes West, a distance of 250.0 feet to Plan Station 1144+50 as situated 65 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 48 degrees 30 minutes West, a distance of 100.3 feet to Plan Station 1143+50 as situated 50 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 29 degrees 37 minutes West, a distance of 53.9 feet to Plan Station 1143+00 as situated 40 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 51 degrees 21 minutes West and parallel to said Highway centerline, a distance of 306.4 feet to a point of curve at Plan Station 1139+93.6; thence continuing Southwesterly along said right-of-way line extrorsely concentric to the 0 degrees 03 minute centerline curve to the left, an arc distance of 1233.7 feet to a point of tangent at Plan Station 1127+60.3; thence continuing South 50 degrees 48 minutes West along said right-of-way line tangent, a distance of 72.0 feet to an iron pin found defining the East corner of a 10.19 acre tract conveyed by Instrument recorded in Deed Record 716, page 587, as situated 972 feet (940.0 feet, deed) North 50 degrees 48 minutes East of the intersection of said right-of-way line by the East line of Lot 27 in EDSALL'S SUBDIVISION of LaGro Reserve; thence North 39 degrees 12 minutes West, a distance of 480.0 feet to an iron pin found; thence South 87 degrees 30 minutes West, a distance of 456.8 feet (459.93 feet, deed) to a point on the East line of Lot 23 EDSALL'S SUBDIVISION as established; witnessed by an iron pin found 1.4 feet West thereof; thence North 0 degrees 11 minutes West, a distance of 318.7 feet to an iron pin found at the Northeast corner of Lot 23 as established in EDSALL'S SUBDIVISION; thence North 0 degrees 38 minutes West, a distance of 438.0 feet to an iron pin found at the Northeast corner of Lot 22 as established in EDSALL'S SUBDIVISION; thence North 0 degrees 51 minutes East, a distance of 462.0 feet to an iron pipe found at the Northeast corner of Lot 19 as established in said EDSALL'S SUBDIVISION; thence North 89 degrees 29 minutes East along the South line of Lot 11 and the South line of Lot 12 in said EDSALL'S SUBDIVISION, a distance of 490.0 feet to an iron pin defining the Southwest corner of Lot 13 in said EDSALL'S SUBDIVISION; thence North 89 degrees 21 minutes East along the South line of said Lot 13, a distance of 479.2 feet to the point of beginning; containing 77.98 acres, more or less, of land. (Note) All bearings were computed from State Highway bearings on State Road No. 14 and U. S. No. 24 PROJECT 387 (5) 1963.

Parcel No. 2, containing 9.63 acres, described as follows:

Part of Lot #11, together with part of Lot #19 in Samuel Edsall's Subdivision in the LaGro Reserve, Section 8, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the west line of Lot #11 in Samuel Edsall's Subdivision in the LaGro Reserve, Section 8, Allen County, Indiana, said point being 714.86 feet south of the northwest corner of Lot #11; thence south along the west line of Lot #11 a distance of 198.84 feet to the southwest corner of Lot #11; thence west along the north line of Lot #19 a distance of 16 feet; thence south a distance of 462 feet to a point on the south line of Lot #19, said point being 487.5 feet west of the southeast corner of Lot #19; thence east along the south line of Lot #19 a distance of 487.5 feet to the southeast corner of Lot #19; thence north along the east line of Lot #19 a distance of 462.4 feet to the northeast corner of Lot #19; thence east along the south line of Lot #11 a distance of 9.73 feet to the southeast corner of Lot #11; thence north along the east line of Lot #11 a distance of 499.84 feet; thence west and parallel to the north line of Lot #11 a distance of 328.5 feet; thence south and parallel to the west line of Lot #11 a distance of 300 feet; thence west and parallel to the north line of Lot #11 a distance of 150 feet to the point of beginning containing 9.63 acres.

Parcel No. 3, described as follows:

Lot 13 EDSALL'S SUBDIVISION of LaGro Reserve in Township 30 North, Range 13 East, Allen County, Indiana, containing 10 acres more or less, excepting that part conveyed for highway purposes.

Parcel No. 4, described as follows:

Lot 12, except the West 120 feet of the North 366 feet thereof, EDSALL'S SUBDIVISION of LaGro Reserve in Township 30 North, Range 13 East, Allen County, Indiana, containing 9 acres more or less, excepting that part conveyed for highway purposes.

Containing in all 106.61 acres more or less.

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter

Joyce Schlatter
Secretary

Admn. Appr. _____

DIGEST SHEET

as amended

3-81-01-12

TITLE OF ORDINANCE Shopping Center Reclassification - Apple Glen

DEPARTMENT REQUESTING ORDINANCE CD&P

SYNOPSIS OF ORDINANCE This Ordinance will place this center into the correct shopping center classification within the new Shopping Center Ordinance.

EFFECT OF PASSAGE This Center will be classified under the new ordinance and will be permitted to develop.

EFFECT OF NON-PASSAGE Denial will prohibit any future development within the present shopping center boundaries.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, January 19, 1981 at 7:00 P.M. (EST) in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on a proposed Zoning Map Amendment.

SECTION 1. That the "B-2" Shopping Center Symbol now located at the intersection of State Road #14 and U.S. Highway #24, shown on the City of Fort Wayne, Indiana Zoning Map No. G-2, under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana of 1974 of said Chapter is hereby deleted.

SECTION 2. That the area described as follows is hereby designated a "B-2-D", Regional Shopping Center (APPLE GLEN):

Parcel No. 1, containing 77.98 acres, described as follows:

Parts of Lots 14, 15, 16, and 17 in EDSALL'S SUBDIVISION of LaGro Section; ALSO, a Part of LaGro Section lying South of the lots aforesaid, East of Lots 19, 22, and 23 in said EDSALL SUBDIVISION, and Northwesterly of U. S. Highway No. 24 right-of-way line; ALL in Township 30 North, Range 12 East, Allen County, Indiana, in particular described as follows to-wit:

Commence at the Southeast corner of Lot 13 in said EDSALL'S' SUBDIVISION as established by an iron pin and post; thence North 0 degrees 24 minutes West along the lot line common to Lot 13 and 14 in said EDSALL'S SUBDIVISION as defined by a line fence, a distance of 821.4 feet to an iron pin found on the Southerly right-of-way line of State No. 14 as established by Project 387 (5) 1963, and situated 75 feet radially distant Southwestward of said road centerline; thence running Southeasterly along said right-of-way line introrsely concentric to the 2 degree 00 minute centerline curve to the right, an arc distance of 743.3 feet, more or less, to a highway hub found at Plan Station 390+00, of which the subtended chord to the aforesaid course bears South 76 degrees 31 minutes East, a distance of 741.8 feet; thence continuing along said right-of-way line South 64 degrees 00 minutes East, a distance of 68.4 feet to an iron pin found at Plan Station 390+70 and situated 80 feet radially distant Southwestward of said Highway centerline; thence continuing Southeasterly along said right-of-way introrsely concentric to the 2 degree 00 minute centerline curve to the right, an arc

distance of 515.2 feet, more or less, to an iron pin found at Plan Station 396+00, of which the subtended chord to the aforesaid course bears South 62 degrees 13 minutes East, a distance of 514.6 feet; thence continuing along said right-of-way line South 49 degrees 47 minutes East, a distance of 158.8 feet to an iron pin found at Plan Station 397+63.0 (P.T.) as situated 95 feet normally distant Southwestward of said Highway centerline; thence continuing along said right-of-way line tangent South 53 degrees 39 minutes East (State Highway bearing) a distance of 387.0 feet to Plan Station 401+50 and situated 95 feet normally distant Southwestward of said Highway centerline; thence continuing along said right-of-way line South 3 degrees 19 minutes East, a distance of 46.0 feet to a point situated 95 feet normally distant Northwestward of centerline of U. S. Highway No. 24 at Plan Station 1151+40; thence continuing along the U. S. Highway No. 24 right-of-way line as established by the aforesaid State Road No. 14 PROJECT 387, South 47 degrees 10 minutes West, a distance of 441.3 feet to Plan Station 1147+00 as situated 65 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 51 degrees 21 minutes West, a distance of 250.0 feet to Plan Station 1144+50 as situated 65 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 48 degrees 30 minutes West, a distance of 100.3 feet to Plan Station 1143+50 as situated 60 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 29 degrees 37 minutes West, a distance of 53.9 feet to Plan Station 1143+00 as situated 40 feet normally distant Northwestward of said Highway centerline; thence continuing along said right-of-way line South 51 degrees 21 minutes West and parallel to said Highway centerline, a distance of 306.4 feet to a point of curve at Plan Station 1139+93.6; thence continuing Southwesterly along said right-of-way line extrorsely concentric to the 0 degrees 03 minute centerline curve to the left, an arc distance of 1233.7 feet to a point of tangent at Plan Station 1127+60.3; thence continuing South 50 degrees 48 minutes West along said right-of-way line tangent, a distance of 72.0 feet to an iron pin found defining the East corner of a 10.19 acre tract conveyed by Instrument recorded in Deed Record 716, page 587, as situated 972 feet (940.0 feet, deed) North 50 degrees 48 minutes East of the intersection of said right-of-way line by the East line of Lot 27 in EDSALL'S

SUBDIVISION of LaGro Reserve; thence North 39 degrees 12 minutes West, a distance of 480.0 feet to an iron pin found; thence South 87 degrees 30 minutes West, a distance of 456.8 feet (459.93 feet, deed) to a point on the East line of Lot 23 EDSALL'S SUBDIVISION as established; witnessed by an iron pin found 1.4 feet West thereof; thence North 0 degrees 11 minutes West, a distance of 318.7 feet to an iron pin found at the Northeast corner of Lot 23 as established in EDSALL'S SUBDIVISION; thence North 0 degrees 38 minutes West, a distance of 438.0 feet to an iron pin found at the Northeast corner of Lot 22 as established in EDSALL'S SUBDIVISION; thence North 0 degrees 51 minutes East, a distance of 462.0 feet to an iron pipe found at the Northeast corner of Lot 19 as established in said EDSALL'S SUBDIVISION; thence North 89 degrees 29 minutes East along the South line of Lot 11 and the South line of Lot 12 in said EDSALL'S SUBDIVISION, a distance of 490.0 feet to an iron pin defining the Southwest corner of Lot 13 in said EDSALL'S SUBDIVISION; thence North 89 degrees 21 minutes East along the South line of said Lot 13, a distance of 479.2 feet to the point of beginning; containing 77.98 acres, more or less, of land. (Note) All bearings were computed from State Highway bearings on State Road No. 14 and U. S. No. 24 PROJECT 387 (5) 1963.

Parcel No. 2, containing 9.63 acres, described as follows:

Part of Lot #11, together with part of Lot #19 in Samuel Edsall's Sub., in the LaGro Reserve, Section 8, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the west line of Lot #11 in Samuel Edsall's Subdivision in the LaGro Reserve, Section 8, Allen County, Indiana, said point being 714.86 feet south of the northwest corner of Lot #11; thence south along the west line of Lot #11 a distance of 198.84 feet to the southwest corner of Lot #11; thence west along the north line of Lot #19 a distance of 16 feet; thence south a distance of 462 feet to a point on the south line of Lot #19, said point being 487.5 feet west of the southeast corner of Lot #19; thence east along the south line of Lot #19 a distance of 487.5 feet to the southeast corner of Lot #19; thence north along the east line of Lot #19 a distance of 462.4 feet to the northeast corner of Lot #19; thence east along the south line of Lot #11 a distance of 9.73 feet

to the southeast corner of Lot #11; thence north along the east line of Lot #11 a distance of 499.84 feet; thence west and parallel to the north line of Lot #11 a distance of 328.5 feet; thence south and parallel to the west line of Lot #11 a distance of 300 feet; thence west and parallel to the north line of Lot #11 a distance of 150 feet to the point of beginning containing 9.63 acres.

Parcel No. 3, described as follows:

Lot 13 EDSALL'S SUBDIVISION of LaGro Reserve in Township 30 North, Range 13 East, Allen County, Indiana, containing 10 acres more or less, excepting that part conveyed for highway purposes.

Parcel No. 4, described as follows:

Lot 12, except the West 120 feet of the North 366 feet thereof, EDSALL'S SUBDIVISION of LaGro Reserve in Township 30 North, Range 13 East, Allen County, Indiana, containing 9 acres more or less, excepting that part conveyed for highway purposes.

Containing in all 106.61 acres more or less.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter
Secretary

To George A. tin

Date

From Gary F. Baeten

Subject Bill No. Z-80-10-20 - "Apple Glen"

COPIES TO:

ouncilmembers - 9
ayor's Office
orm Abbott
oe Farkas
eorge Simler
athy Roach
ile:

The City Council has referred the above ordinance to the Plan Commission for public hearing in January 1981.

We have been requested to schedule the public hearing for January 19, 1981. It would appear that the ordinance, as introduced, does not at this point meet the requirements of the State Planning Act.

18-7-4-607 Zoning Ordinance; Changes In Ordinance; Initiation Of Process

Sec. 607. Zoning Ordinance; Changes in Ordinance; Initiation of Process. (a) Advisory Planning. The legislative body may amend or repeal the zoning ordinance.

Petitions, duly signed, may be presented to the clerk of the legislative body of a municipality, the county auditor, or the official charged with the enforcement of the comprehensive plan and ordinance, requesting an amendment or repeal of the zoning ordinance by:

(1) the advisory plan commission; or
(2) the owners of at least fifty percent (50%) of the area involved in the petition.

I have been unable to verify that there is consent of the required property owners involved in Bill No. Z-80-10-20, because of the lack of a petition. I have also been unable to get agreement from any of the parties involved regarding procedure.

I am writing this memo to request a written legal opinion regarding procedure to be followed at this point.

Let me explain that the Plan Commission's January 1981 public hearing is scheduled for January 19, 1981. The legal notice will go to the newspaper for publication no later than 11:00 A.M. on January 7, 1981. If this issue is not resolved - and a written procedure and interpretation received prior to publication deadlines it will not be heard in January as requested by City Council.

/pb

MEMORANDUM

To: Gary Baeten

From: George Martin

Date: December 29, 1980

Re: Apple Glen Shopping Center

In reference to your request for a written legal opinion dated December 18, 1980, I have concluded that a proper way to initiate the rezoning of Apple Glen would be for the advisory Plan Commission to initiate this rezoning as provided in I.C.18-7-4-607.

The Plan Commission's initiating the rezoning of this shopping center would be consistent and probably mandated by the procedures that the Plan Commission adopted for rezoning existing shopping centers. In number 4 of those procedures, it states:

> "The City of Fort Wayne Plan Commission examines existing shopping centers, including those with approved development plans but not yet built [sic] the Commission then places them into what they feel to be appropriate categories."

This paragraph 4 obviously was intended to cover Apple Glen (Westlake) inasmuch as that is the only shopping center that is existing with an approved development plan not yet built. Inasmuch as paragraph 5 requires the Plan Commission to initiate rezoning of "each respective existing shopping center" and inasmuch as "existing shopping center" was defined in the very sentence before as including Westlake, it is not only appropriate but probably required that the Plan Commission initiate the rezoning.

It should be added that the Plan Commission's initiating the rezoning would be consistent with the express decisions and announcements of the Courts, Common Council and the Plan Commission that there be a determination as to whether or not this project should be rezoned.

George Martin

GM/tmb

Inasmuch as the Trial Court issued its decree three months ago on September 30, 1980 and in order that the City can process the rezoning in an expeditious manner, it was concluded that the Commission will advertise this rezoning petition for its January meeting. It is believed that consistent with past practice, the City Council will have referred this matter back to the Plan Commission before that time.

If Apple Glen cannot be heard at the January 19, 1981 public hearing of the Plan Commission, the Commission may, if it so desires, and consistent with proper legal notice, hold a special public hearing during the month of January or early February to hear the rezoning petition. It was concluded that the City should follow the existing procedures and ordinance and do so in a manner that will allow an expeditious determination of the rezoning petition.

George Martin

GM/tmb

cc: George Simler
Norm Abbott, CD&P
Abraham Farkas, CD&P
Douglas Miller
DuWayne Bobeck
Gary Baeten, CD&P
Plan Commission Members

MEMORANDUM

To: Mayor Winfield C. Moses, Jr.

From: George Martin, Associate City Attorney GM

Date: December 29, 1980

Re: Procedures for Processing the Rezoning of Apple Glen

This memorandum is to comply with your request for a written report on the meeting held December 24, 1980 in the Mayor's conference room. In attendence were yourself, representatives of Apple Glen (Westlake), representatives from the Department of Community Development and Planning and Mr. George Simler, Chairman of the Plan Commission. The only matters discussed at this meeting were the proper legal procedures the City should follow to comply with its ordinance, procedures and the decisions of the Indiana Appellate Court and Allen Circuit Court on the rezoning of Apple Glen.

Mr. John Logan, attorney for the City Council, had concluded that prior to the City Council's acting upon any rezoning requests for Apple Glen, the Plan Commission must first hold a public hearing and vote on the proposed rezoning. The question that had to be answered was how the petition to rezone should be initiated. At the meeting, I stated that it was my legal opinion that the staff of the Plan Commission should initiate the rezoning petition in the same manner as it had for all other rezonings of existing shopping centers. This legal opinion was based upon the fact that the Plan Commission had adopted a set of procedures for rezoning shopping centers in which the Commission clearly directed the staff to initiate petitions for rezoning shopping centers that were not yet built but on which the development plan had been approved. This clearly covers Westlake.

There was no disagreement at the meeting with my legal opinion and it was concluded that the staff of the Plan Commission should initiate and continue to process the rezoning petition for Apple Glen using the same procedures it had used for other centers. Therefore, the staff of the Plan Commission should introduce the rezoning petition to City Council for referral back to the Plan Commission.

OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -:- Room 122

February 2, 1981

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the date of February 6, 1981.

RE: Notice for Public Hearing
for the Common Counicl
of Fort Wayne, IN

Bill No. Z-81-01-12
(as amended)

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

NOTICE OF PUBLIC HEARING

Notice is hereby given by the Common Council of the City of Fort Wayne Allen County, Indiana, that a Public Hearing will be held at the Council Chambers Room 126 and Conference Room 128, City-County Building, Fort Wayne, Indiana, on Wednesday, February 11, 1981 and Thursday, February 12, 1981, at 7:30 o'clock P.M., E.S.T., regarding Bill No. Z-81-01-12 (AS AMENDED) being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-2 & F-2 (APPLE GLEN SHOPPING CENTER). Copy of Bill No. Z-81-01-12 (AS AMENDED) and City Plan recommendation will be posted for public reading in the following places in Fort Wayne Allen County, Indiana.

(1) the main floor of the City-County Building

(2) the bulletin board in the lobby of the downtown Fort Wayne Public Library

(3) the bulletin Board in the lobby at the East door of the Allen County Court House

(4) the Office of the City Clerk of Fort Wayne, Indiana Room 122, City-County Building, Fort Wayne, IN

Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above ordinance in the designated places as stated on February 6, 1981.

Charles W. Westerman

Charles W. Westeman
City Clerk

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head	number of lines	1
Body	number of lines	39
Tail	number of lines	2
	Total number of lines in notice	42

COMPUTION OF CHARGES

42 lines, 1 cents per line columns wide equals 42 equivalent lines at .184¢	$ 7.73
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra copies	1.50
TOTAL AMOUNT OF CLAIM.	$ 9.23

DATA FOR COMPUTING COST

Width of single column 9.6 picas — Size of type 6 point

Number of insertions 1 — Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date Feb. 6, 19 81 — Title CLERK

Form 904

NOTICE OF PUBLIC HEARING

Notice is hereby given by the Common Council of the City of Fort Wayne Allen County, Indiana, that a Public Hearing will be held at the Council Chambers Room 126 and Conference Room 128, City-County Building, Fort Wayne, Indiana, on Wednesday, February 11, 1981 and Thursday, February 12, 1981, at 7:30 o'clock P.M., E.S.T., regarding Bill No. Z-81-01-12 (AS AMENDED) being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-2 & F-2 (APPLE GLEN SHOPPING CENTER). Copy of Bill No. Z-81-01-12 E (AS AMENDED) and City Plan recommendation will be posted for reading in the following places in Fort Wayne-Allen County, Indiana,

(1) the main floor of the City-County Building

(2) the bulletin board in the lobby of the downtown Fort Wayne Public Library.

(3) the bulletin board in the lobby at the East door of the Allen County Court House.

(4) the Office of the City Clerk at Fort Wayne, Indiana Room 122, City-County Building, Fort Wayne, IN.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on February 6, 1981.

CHARLES W. WESTERMAN
City Clerk

2–6

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for t one time, the dates of publication being as follows:

2/6/81

Arvilla DeWald

Subscribed and sworn to before me this 6th day of February 19 81

Notary Public

My commission expires September 28, 1983

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines	
Head	number of lines	1
Body	number of lines	39
Tail	number of lines	2
	Total number of lines in notice	42

COMPUTION OF CHARGES

42 lines, 1 columns wide equals 42 equivalent lines at .184¢ cents per line $ 7.73

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra 1.50

TOTAL AMOUNT OF CLAIM. $ 9.23

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D Roose

Date Feb.6, 19 81

Title CLERK

Form 903

NOTICE OF PUBLIC HEARING

Notice is hereby given by the Common Council of the City of Fort Wayne Allen County, Indiana, that a Public Hearing will be held at the Council Chambers Room 126 and Conference Room 128, City-County Building, Fort Wayne, Indiana, on Wednesday, February 11, 1981 and Thursday, February 12, 1981, at 7:30 o'clock P.M., E.S.T., regarding Bill No. Z-81-01-12 (AS AMENDED) being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-2 & F-2 (APPLE GLEN SHOPPING CENTER). Copy of Bill No. Z-81-01-12 (AS AMENDED) and City Plan recommendation will be posted for reading in the following places in Fort Wayne Allen County, Indiana

(1) the main floor of the City-County Building.

(2) the bulletin board in the lobby of the downtown Fort Wayne Public Library.

(3) the bulletin board in the lobby at the East door of the Allen County Court House.

(4) the Office of the City Clerk of Fort Wayne, Indiana Room 122, City-County Building, Fort Wayne, IN.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on February 6, 1981.

CHARLES W. WESTERMAN
City Clerk

2--6

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

2/6/81

D Roose

Subscribed and sworn to before me this 6th day of February 19 81

Notary Public

My commission expires September 28, 1983